



Cascade County Zoning Board of Adjustment

Application for Variance/Appeal

Cascade County Public Works Department
Planning Division
121 4th St No, STE 2H/I, Great Falls MT 59401
Phone: 406-454-6905 Fax: 406-454-6919

\$250.00 Non Refundable Application Fee

Payment: Check (#) _____ Cash _____

OFFICE USE ONLY

Variance: _____ Appeal: _____

Date Application Received: _____

Date of Zoning Board Decision: _____

Zoning Board Decision: _____

Applicant/Agent: Ken Weinheimer - Aspen Air, LLC

Mailing Address: 4601 River Dr. N, Great Falls, MT 59405

Home Phone: _____ Work Phone: _____ Cell Phone: 406-868-3939

Owner(s) if different from applicant: _____ Mailing Address: _____

Home Phone: _____ Work Phone: _____ Cell Phone: _____

Property Address: Adjacent to 4601 River Dr. N Sec 4 T 20N R 4E

Lot(s) 1A Blk 1 Geo Code: 02-3016-04-1-02-28-0000 Parcel # _____

Please take notice that the undersigned was denied a permit and seeks a variance or an appeal of the Zoning

Administrator's decision related to the following activity: _____

FOR VARIANCE REQUEST ONLY (may attach documentation)

Indicate below or attach separate pages showing how your application meets the legal criteria for a variance. (A variance is authorized only for height, area, and size of structure, size of yards and open spaces, signage, landscaping, or as otherwise specifically provided for in the Cascade County Zoning Regulations. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning district or adjoining zoning districts.)

1) Explain how this variance request from the Cascade County Zoning Regulations will not be contrary to the public interest.

See attached narrative.

2) Describe where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

See attached narrative.

3) The spirit of this Section would be observed and substantial justice done by granting this variance.

See attached narrative.

FOR APPEAL REQUEST ONLY (may attach documentation)

Describe the alleged error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of these regulations.

Owner/Applicant's Signature:



Date:

2-7-2019

19A – River Drive North Storage Units – Additional Units
Cascade County Application for Variance
Application Narrative
2/8/19

Included below are the responses to the three questions included within the Cascade County Variance Request Application. The subject variance request is to reduce the rear yard setback requirements for the subject parcel from a minimum of 25 feet to a minimum of 10 feet. Refer to Cascade County Zoning Regulations 7.4.1.3 for additional information.

1. *Explain how this variance request from the Cascade County Zoning Regulations will not be contrary to the public interest.*

Response: The subject variance request, if granted, will not be contrary to public interest as the impacts will be relatively minimal in nature. The proposed change in setback effectively meets the requirements of commercially zoned districts which generally matches the intended use of the subject parcel as well as the existing use of the adjacent parcel (both parcels are owned by the Applicant). Additionally, due to the configuration of the subject and neighboring lot, the setback falls between two lots of matching land use. As the proposed land use at the subject property is not considered industrial in nature, the reduced setback will not impact public interest.

2. *Describe where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.*

Response: The perceived hardship results from the abnormal shape of the lot, coupled with the limited lot depth and the granting of 3 separate public utility easements along the south side of the lot (front yard). Together, the easements and 25' rear yard setback would effectively eliminate 85' of buildable area from a lot with an average depth of 175' which hinders the development potential of the lot. The granting of the easement will allow for better utilization of the lot for the proposed use.

Additionally, due to the location of the neighboring properties drainfield, an existing 25' buffer currently existing between the storage unit fencing and property line, which is approximately 10' beyond the requirement. This extra setback will effectively offset the proposed variance.

3. *The spirit of this Section would be observed and substantial justice done by granting this variance.*

Response: As noted above, the proposed rear setback distance of 10 feet matches the existing zoning regulations for commercially-zone lots. As the proposed property use will be considered commercial in nature rather than industrial, the spirit of the zoning regulations section will be observed with the granting of this request.